

CITY OF CHANDLER

ANTI-HARASSMENT POLICY

I. PURPOSE

The City of Chandler is committed to maintaining a work environment free of harassment. The purpose of this policy is to advise all City of Chandler employees of their rights and responsibilities under the law and to establish procedures for addressing allegations of harassment in the workplace.

II. POLICY

It is the policy of the City of Chandler to treat all individuals in the workplace, including supervisors, co-workers, and non-employees with respect and dignity and to refrain from harassment of any kind.

Harassment based on race, color, sex, religion, national origin, age, disability, or based on filing a discrimination complaint is prohibited and will not be tolerated by the City of Chandler.

The City of Chandler encourages reporting of all perceived incidents of discrimination or harassment promptly. It is the City's policy to investigate such reports. The City prohibits retaliation against any individual who reports discrimination or harassment or participates in an investigation of such reports. Further, if an employee witnesses harassment of another employee, the employee is encouraged to notify his or her supervisor and/or use one of the avenues of the complaint process described in this policy. Employees who engage in harassing conduct will be subject to disciplinary action up to and including termination. Supervisors and managers are subject to disciplinary action, up to and including termination, if they knowingly allow potentially harassing behavior or inappropriate material to continue unabated in the workplace.

III. DEFINITIONS

- A. Sexual harassment is illegal under federal, state and local laws. For the purposes of this policy, sexual harassment is defined as unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when: (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment.

Sexual harassment may include a range of subtle and not so subtle behaviors and may involve individuals of the same or different gender. Depending upon the circumstances, these behaviors may include, but are not limited to: unwanted sexual advances or requests for sexual favors; sexual jokes and innuendo; verbal abuse of a sexual nature; commentary about an individual's body; sexual prowess or sexual deficiencies; leering, whistling or touching; insulting or obscene comments or gestures; display in the workplace of sexually suggestive objects or pictures; and other physical, verbal or visual conduct of a sexual nature.

- B. Harassment on the basis of any other protected characteristic is also strictly prohibited. Under this policy, harassment is verbal or physical conduct that degrades or shows hostility or aversion toward an individual because of his/her race, color, religion, sex, sexual orientation, national origin, age, disability, marital status, citizenship or any other characteristic protected by law, and that: (1) has the purpose or effect of creating an intimidating, hostile or offensive work environment; (2) has the purpose or effect of unreasonably interfering with an individual's work performance; or (3) otherwise adversely affects an individual's employment opportunities.

Harassing conduct includes, but is not limited to: slurs or negative stereotyping; threatening, intimidating or hostile acts; demeaning jokes; and displaying or circulating written or graphic material that degrades or shows hostility or aversion toward an individual or group.

IV. RESPONSIBILITIES

A. Supervisors and Managers - The City of Chandler, as an employer, may be held responsible not only for the acts of its employees but also for the acts of non-employees with regard to harassment in the workplace when supervisory personnel know of or should know of the conduct and fail to take immediate and appropriate action. Therefore, supervisors and managers, due to the nature of their position, are responsible for:

- taking proactive steps to maintain a work environment free from potentially illegal harassment (from both employees and non-employees);
- taking prompt, effective action when they know or have reason to know of harassment or of potentially offensive workplace language or behavior;
- setting a good example, behaving professionally and personally refraining from any behavior or language which may be unwelcome or offensive;
- ensuring that employees are made aware of this policy and made aware that action will be taken to enforce it;

- ensuring that employees are made aware of the complaint procedures outlined in this policy;
- preventing the presence of workplace language, behavior, pictures, or text which is inappropriate or potentially offensive;
- encouraging offended employees to address harassing conduct in accordance with this policy;
- immediately notifying other supervisors/ managers/department directors of potential violations of this Anti-Harassment Policy within their area about which they may be unaware;
- proactively counseling and/or disciplining employees whose language or behavior is inappropriate for the workplace or is potentially offensive;
- ensuring that offended employees are not subject to retaliation, intimidation, or ostracism; and
- promptly reporting complaints of harassment to their supervisor or manager.

Supervisors and managers are subject to disciplinary action, up to and including termination, if they knowingly allow potentially harassing behavior or inappropriate material to continue unabated in the workplace.

Supervisors should be particularly aware of their behavior and comments in non-work related, social settings. Offensive and unwelcome conduct and comments in a social setting can easily lead to valid charges of harassment in the workplace, especially when subordinate staff members are involved. The best course of action is for supervisors to set the same good example in a social setting with co-workers as is expected and required in the workplace.

B. Employees – All employees are responsible for:

- behaving professionally in the workplace, at work-sponsored functions, and/or while otherwise representing the City of Chandler;
- respecting the right of co-workers to work in an environment free from harassment based on race, color, national origin, sex, religion, age or disability;
- being sensitive to how their behavior may be perceived or interpreted by others; and
- reading and complying with this policy.

Employees should also be conscious of how their behavior with and comments to co-workers in non-work related, social settings can lead to harassing conduct in the workplace. For example, joking about sexual matters with co-workers of the opposite sex outside the office can build to the point that employees feel comfortable sharing the same types of jokes with these co-workers while at work. While these jokes may not be viewed as harassment *outside* the workplace, the jokes *would* be considered harassment *in* the workplace.

V. COMPLAINT PROCESS

The complaint process is designed to offer employees several avenues to address and/or complain about harassment.

A. Informal Procedure

If for any reason an individual does not wish to address the offender directly, or if such action does not successfully end the offensive conduct, the individual may address the issue to any of the following individuals. This complaint can be made orally or in writing. The employee is not required to first make the complaint to the immediate supervisor. The employee is free to address the issue with any of the parties listed below:

- The employee's first-line supervisor;
- Other supervisors in the employee's chain of command;
- The employee's Department Director;
- The City Manager's Office; or
- Human Resources Manager.

An individual reporting harassment, discrimination or retaliation should be aware that the City of Chandler may decide it is necessary to take action to address such conduct beyond an informal discussion. This decision will be discussed with the individual. Moreover, the informal procedure is not a required first step for the reporting individual.

B. Formal procedure

The employee may submit a memorandum or letter through the City's formal grievance procedures.

VI. CONFIDENTIALITY

The City of Chandler will protect the confidentiality of harassment allegations to the extent reasonably possible. Information will be disclosed on a need-to-know basis in order to investigate and resolve the matter and will be disclosed in accordance with applicable laws. When supervisors become aware of alleged harassment, they are responsible for taking the steps outlined in this policy to prevent and correct the harassment, protecting confidentiality to the degree possible.

VII. INVESTIGATIVE PROCEDURES

The City of Chandler takes allegations of harassment seriously and will take prompt, impartial action to address and investigate *all* allegations. When a supervisor becomes aware of potential harassment, the supervisor shall immediately consult with the Human Resources Manager/designee to discuss how to address and investigate the situation and to decide if a detailed fact-finding investigation is necessary to determine if harassment has occurred. If a detailed fact-finding investigation is necessary, the Human Resources Manager will consult with the City Manager to immediately assign an impartial individual to conduct the investigation and to objectively gather and consider the relevant facts. The alleged harasser will not have supervisory authority over the individual who conducts the investigation or have direct or indirect control over the investigation. Outside investigators may be used as necessary to ensure investigative effectiveness.

Upon completion of the investigation, a determination will be made as to whether harassment occurred. The City Manager, the complainant, the charged party, the Department Director, and the Human Resources Manager will be notified of this determination. In consultation with the Human Resources Manager, the Department Director will determine the proper remedial measures and /or disciplinary action based on the results of the investigation.

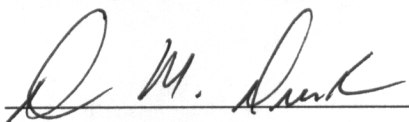
VIII. RETALIATION

No employee will be subject to any form of retaliation or discipline for addressing or complaining about harassment or for cooperating in an investigation. An employee or supervisor who initiates or participates in a retaliatory act is subject to discipline up to and including dismissal. Employees who believe that they have been subjected to retaliation should immediately report the matter to the Human Resources Manager, Department Director or the City Manager.

It shall be the employee's responsibility to identify any time constraints that may limit his/her ability to obtain legal or regulatory remedies outside the City of Chandler, and, if desired, to seek remedies within those time limits.

XI. APPROVAL

This supersedes the policy announced by the memo dated May 21, 2001.

Approved: 

Date: 4/18/2003

Donna Dreska, City Manager